

# Exhibit CC

## Jeff Rambin

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**From:** Heit, Warren S. [wheit@paloalto.whitecase.com]  
**Sent:** Friday, February 26, 2010 2:12 PM  
**To:** Calvin Capshaw  
**Cc:** atindel@andytindel.com  
**Subject:** Re: CSIRO v. Sony

Calvin,

This proposal is acceptable to Sony. We appreciate working this out with you in a mutually satisfactory manner.

We will file the unopposed stipulation to extend for 14 days as agreed.

Let me know if you have any questions.

Warren

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**From:** Melanie Baker <mbaker@capshawlaw.com>  
**To:** Heit, Warren S.  
**Cc:** Tindel, Andy <atindel@andytindel.com>  
**Sent:** Fri Feb 26 09:46:34 2010  
**Subject:** CSIRO v. Sony

Warren,

I understand your concern about Sony not giving up arguments that it might otherwise have regarding the schedule in this case as part of an agreement regarding your request for an extension to answer. I propose that Sony agree that its case is ready for a scheduling conference as soon as the LeNovo and Acer answers are filed - later today. CSIRO will advise the court of this agreement, and request that all three suits be set for scheduling conference at the Court's convenience, and that Sony agrees that it is ready for scheduling conference, but will delay filing its answer another 14 days. At the time of the hearing, Sony can take any position it believes is rational regarding the scheduling order in its suit. That preserves both Sony's and CSIRO's positions regarding scheduling, and allows you an additional 14 days to file your answer. Let me know if this is acceptable to Sony.

Given that we have an agreement on Marvell's Sony document stipulation, if this latest proposal is acceptable to you, you can show CSIRO unopposed to your request for a 14 day extension of Sony's answer date.

Calvin

S. Calvin Capshaw  
Capshaw DeRieux, LLP  
P.O. Box 3999  
Longview, TX 75606  
Main: (903) 236-9800  
Direct: (903) 233-4826  
Facsimile: (903) 236-8787  
E-mail: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)

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From: Heit, Warren S. [mailto:wheit@paloalto.whitecase.com]  
Sent: Thursday, February 25, 2010 08:31 PM  
To: Calvin Capshaw; Tindel, Andy  
Cc: McGann, Kevin; Yokoyama, Jennifer  
Subject: REQUIRES RESPONSE RE: Sony request for extension in CSIRO litigation

Dear Calvin,

Thank you for your email. Sony is requesting a very brief extension of time to file its answer. CSIRO requests that Sony meet two conditions as a predicate to agreeing to an extension. First, that Sony sign an affidavit authenticating certain documents in the Marvell adv. CSIRO matter. It is my understanding that Marvell will be stipulating to the authenticity of those records in that case and thus this request (as to Sony) is moot. Second, CSIRO is requesting that Sony agree to be set on the same scheduling order as the Acer and Lenovo actions. We understand CSIRO's concern and Sony will agree to not use the fact that it filed its answer after Acer and Lenovo as a basis to argue that the Sony action should not be coupled with Acer and Lenovo actions. Sony will not agree however at this early stage to be placed on the same schedule as Acer and Lenovo. Sony is not similarly situated with Acer and Lenovo. For example, the Marvell action will very likely moot a significant portion of Sony's liability. As a consequence, the Sony action may be very different from the Acer and Lenovo actions.

It is entirely improper to try to use Sony's request for a brief fourteen day extension to force Sony to agree to a scheduling order. We ask that you reconsider your position and grant Sony's request for an extension of time.

Thank you.

Warren

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**Jeff Rambin**

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**From:** Melanie Baker on behalf of Calvin Capshaw  
**Sent:** Thursday, February 25, 2010 4:44 PM  
**To:** 'Heit, Warren S.'; 'Tindel, Andy'  
**Subject:** Sony request for extension in CSIRO litigation

Warren,

In response to your request for additional time for Sony to answer CSIRO's complaint, I am forwarding the attached email string between Terry Healy and Jennifer Liu. As Terry stated, under normal circumstances, I would be happy to agree to a short extension of time to answer. However, this matter has its own complexities.

The first relates to the importance of maintaining efficiency for the court in dealing with the three cases filed by CSIRO in September 2009. I anticipate that answers in the Acer and Lenovo suits will be filed this Friday and that they will be set for a scheduling conference in the first week in April. If Sony were to delay its answer such that its case is not set for Judge Davis' April status conference docket, the cases would potentially be put on different schedules. To avoid this, CSIRO asks that Sony agree to be set on the same trial date, Markman date and other dates as set out in the scheduling order to be entered in the Acer and Lenovo cases. I anticipate that this is what would happen if Sony were to answer this Friday as it agreed to do originally, and CSIRO would like to maintain this part of our agreement.

The second issue relates to difficulties encountered in accomplishing what should have been a simple task - namely, the authentication of certain documents from Sony websites relevant to the Marvell case. An alternative course has been pursued, under which Marvell would stipulate to their authenticity. CSIRO therefore asks that you, on behalf of Sony and Marvell, sign the stipulation we provided to you approximately two weeks ago.

If Sony is agreeable to these two conditions, we can agree to your requested extension. In fact, Terry Healy indicated to Jennifer Liu, that he would agree to an extension of up to 30 days if these conditions are met.

Calvin

S. Calvin Capshaw  
Capshaw DeRieux, LLP  
P.O. Box 3999  
Longview, TX 75606  
Main: (903) 236-9800  
Direct: (903) 233-4826  
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E-mail: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)

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-----Original Message-----

From: Jennifer\_Liu@playstation.sony.com [mailto:Jennifer\_Liu@playstation.sony.com]  
Sent: Wednesday, February 24, 2010 12:16 PM  
To: Terry.Healy@csiro.au  
Cc: Calvin Capshaw; Claus.Melarti@am.sony.com; Elizabeth DeRieux; Nigel.Poole@csiro.au; Peter.Toto@am.sony.com  
Subject: Re: Sony ats CSIRO - Greeting and extension question

Hi, Terry,

thanks so much for your swift response. We believed Marvell was addressing the document issue. On the Acer/Lenovo dates, while we understand the reasoning behind your proposal, it makes us a bit uncomfortable as we don't view ourselves as situated similarly to Acer and Lenovo. We've agreed to have Marvell's counsel represent us for at least this early stage, so maybe it makes sense for me to have them reach out to Capshaw DeRieux to further this discussion and see how far we can get before Friday.

Thank you very much for your consideration.

Jennifer

<Terry.Healy@csiro.au>

02/22/2010 09:09 PM

To  
Jennifer Liu/Legal/SCEA@Playstation  
cc

<ccapshaw@capshawlaw.com>,  
<Claus.Melarti@am.sony.com>,  
<Nigel.Poole@csiro.au>,  
<Peter.Toto@am.sony.com>,  
<ederieux@capshawlaw.com>

Subject  
Sony ats CSIRO - Greeting and  
extension question

Dear Jennifer

In response to your request, I've now received advice from Capshaw DeRieux.

Under normal circumstances, I would be happy to agree to a short extension of time to answer. However, this matter has its own complexities.

The first relates to the importance of maintaining efficiency for the court in dealing with the three cases filed by CSIRO in September 2009.

I anticipate that answers in the Acer and Lenovo suits will be filed this Friday and that they will be set for a scheduling conference in the first week in April. If Sony were to delay its answer such that its case is not set for Judge Davis' April status conference docket, the cases would potentially be put on different schedules.

To avoid this, CSIRO asks that Sony agree to be set on the same trial date, Markman date and other dates as set out in the scheduling order to be entered in the Acer and Lenovo cases.

The second issue relates to difficulties encountered in accomplishing what should have been a simple task; - namely, the authentication of certain documents from Sony websites relevant to the Marvell case.

An alternative course has been pursued, under which Marvell would stipulate to their authenticity. Despite best efforts to accommodate Marvell's concerns, that stipulation has failed to eventuate.

CSIRO therefore asks that Sony sign an affidavit or other suitable document authenticating the Sony documents that were the subject of the subpoena served by Capshaw DeRieux in the Marvell matter.

If Sony is agreeable to these two conditions, please have Mr. Wilcox coordinate with Calvin Capshaw or Betty DeRieux to finalize a suitable agreement.

Kind regards  
Terry

Terry Healy  
Special Counsel  
CSIRO

Phone: +61 3 9662 7421 | Fax: +61 3 9662 7427 | Mobile: +61 419 352 126 [terry.healy@csiro.au](mailto:terry.healy@csiro.au)  
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-----Original Message-----

From: Jennifer\_Liu@playstation.sony.com  
[mailto:Jennifer\_Liu@playstation.sony.com]  
Sent: Tuesday, 23 February 2010 3:16 AM  
To: Healy, Terry (Legal, Parkville)  
Cc: ccapshaw@capshawlaw.com; Claus.Melarti@am.sony.com; Poole, Nigel (OEDBusServ, North Ryde); Peter.Toto@am.sony.com  
Subject: RE: Greeting and extension question

Thanks very much for your swift response, Terry. Any thoughts so far (as our deadline is Friday)?

Best regards,

Jennifer

<Terry.Healy@csiro.  
o.au>

02/17/2010 09:04  
PM

To  
Jennifer Liu/Legal/SCEA@Playstation  
cc

<[ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)>,  
<[Peter.Toto@am.sony.com](mailto:Peter.Toto@am.sony.com)>,  
<[Claus.Melarti@am.sony.com](mailto:Claus.Melarti@am.sony.com)>,  
<[Nigel.Poole@csiro.au](mailto:Nigel.Poole@csiro.au)>

Subject  
RE: Greeting and extension question

Thanks Jennifer

We will consult counsel and let you have a response as soon as possible.

Kind regards  
Terry

Terry Healy  
Special Counsel  
CSIRO

Phone: +61 3 9662 7421 | Fax: +61 3 9662 7427 | Mobile: +61 419 352 126 [terry.healy@csiro.au](mailto:terry.healy@csiro.au)  
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-----Original Message-----

From: Jennifer\_Liu@playstation.sony.com  
[mailto:[Jennifer\\_Liu@playstation.sony.com](mailto:Jennifer_Liu@playstation.sony.com)]  
Sent: Thursday, 18 February 2010 3:56 PM  
To: Healy, Terry (Legal, Parkville); Poole, Nigel (OEDBusServ, North Ryde)  
Cc: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com); Toto, Peter; [Claus.Melarti@am.sony.com](mailto:Claus.Melarti@am.sony.com)



Subject: Greeting and extension question

Hi, Terry and Nigel,

it was a pleasure meeting you last week although I wish it had been under different circumstances. I know I promised we wouldn't talk shop there -- but have a request. As you probably know, the Sony group's answer to your complaint is due next week. We've been working with our suppliers to get counsel chosen; it has been a little complicated coordinating schedules to have the discussion. Would you consider giving us a further extension of a few weeks as a courtesy? I have copied Calvin on this as well.

Thanks very much and best regards,

Jennifer

Deputy General Counsel  
Sony Computer Entertainment America Inc.  
919 East Hillsdale Boulevard  
Foster City, CA 94404